

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Patent Application of: |) | |
| CLARKE ET AL. |) | |
| |) | |
| Serial No. 10/777,958 |) | Attorney Docket No. 80218 |
| |) | |
| Filing Date: February 12, 2004 |) | Examiner: M. Pollack |
| |) | |
| For: COMMUNICATIONS SYSTEM |) | Art Unit: 2145 |
| PROVIDING EXTENSIBLE |) | |
| PROTOCOL TRANSLATION |) | |
| FEATURES AND RELATED |) | |
| METHODS |) | |
| |) | |

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the final Office Action of January 23, 2008, and in connection with the Notice of Appeal filed concurrently herewith, please consider the remarks set out below.

I. The Claims Are Patentable

The present application includes independent Claims 1, 12, 18, and 24. The Examiner rejected the independent claims based upon U.S. Published Patent Application Serial No. 2006/0168095 to Sharma et al. Sharma et al. is directed to a system and method for multi-modal information delivery. The

method includes receiving a first user request at a browser module operative in accordance with a first protocol applicable to a first mode of information delivery. The method further includes generating a browsing request in response to the first user request, wherein the browsing request identifies information available within a network. Multi-modal content is then created on the basis of the information identified by the browsing request and provided to the browser module. The multi-modal content is formatted in compliance with the first protocol and incorporates a reference to content formatted in accordance with a second protocol applicable to a second mode of information delivery.

Applicants submit that Sharma et al. fails to disclose a respective proxy module for communicating with the plurality of mobile wireless communications devices using each different operating protocol. Instead, Sharma et al. discloses a voice browser 110 that executes dialogues with the subscriber unit 102 using a known speech mark-up language, for example VoiceXML. (See Paragraph 0030). The voice browser 110, when a request has been determined to be formatted inconsistently with the target web server, sends a request to the conversion server 150. The conversion server 150 replies with "the protocol of the voice browser." (Emphasis Added) (See Paragraph 0031). Data from the conversion server "compliant with the protocol of the voice browser" is then used as the basis for carrying out a dialogue with the user of the subscriber unit. (Emphasis Added). (See Paragraph 0031). The subscriber unit 102 communicates by

sending "DTMF tones to, and receives audio output from, the voice browser **110**." (See Paragraph 0032). Accordingly, the voice browser communicates with both the subscriber unit **102** and the conversion server **150** using one protocol.

Still further, the Examiner contended that conversion server **150** somehow corresponds to the claimed respective proxy module. (See Examiner's Response To Arguments of January 23, 2008). Applicants submit that the conversion server **150** fails to communicate with the plurality of mobile wireless communications devices using each different operating protocol. Instead, the conversion server **150** retrieves content from the web server(s) **140** and converts the content into a document file compliant with the protocol of the voice browser. (See Paragraph 0031 of Sharma et al.). In other words, the conversion server **150** communicates with the voice browser and the web server(s) **140**, not the mobile wireless communications devices.

Additionally, Applicants submit that Sharma et al. fails to disclose each mobile wireless communications device using at least one of a plurality of different operating protocols, as in independent Claims 1, 12, 24 and 29. Instead, Sharma et al. discloses that the subscriber unit **102** communicates by sending DTMF tones to, and receives audio output from, the voice browser **110**. (See Paragraph 0032). Nowhere does Sharma et al. disclose the subscriber units **102** communicating using at least one of a plurality of different operating protocols. This argument also applies to independent Claim 18, which is similar to other independent claims.

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The Examiner contended that Paragraphs 0032 and 0038-0042 of Sharma et al. disclose multiple devices each with a different operating protocol and with a different protocol from the web site or proprietary database. The Examiner mischaracterizes Sharma et al. in that subscriber unit **102**, stand alone telephone **104**, and personal computer **106** all communicate with the voice browser **110** using the voice browser protocol, or the "voice-based information retrieval services." (See Paragraph 0032 of Sharma et al.). Indeed, Sharma et al. merely discloses retrieving web pages in a handheld format if available, converting them to corresponding voice browser protocol using the conversion server **150**, and then sending them to the voice browser **110**. (See Paragraphs 0032 and 0038-0042 of Sharma et al.).

Still further, Applicants submit that Sharma et al. fails to disclose at least one common core service module connected to the proxy module, as in the claimed invention. Sharma et al. discloses a voice browser coupled via the internet to a conversion server. (See Fig. 1). Nowhere in Sharma et al. does it disclose at least one common core service module connected to the proxy module, as in the claimed invention.

Accordingly, it is submitted that independent claims are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further

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discussion herein.

Respectfully submitted,



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